

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

**ROTHSCHILD BROADCAST
DISTRIBUTION SYSTEMS, LLC,**

Plaintiff,

v.

LIFESIZE, INC.,

Defendant.

CIVIL ACTION NO. 6:20-cv-00915

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Rothschild Broadcast Distribution Systems, LLC (“Plaintiff” or “Rothschild Broadcast Distribution Systems”) files this complaint against Lifesize, Inc. (“Lifesize”) for infringement of U.S. Patent No. 8,856,221 (hereinafter the “221 Patent”) and alleges as follows:

PARTIES

1. Plaintiff is a Texas limited liability company with an office at 1801 NE 123 Street, Suite 314, Miami, FL 33181.
2. On information and belief, Defendant is a Delaware corporation, with a place of business at 1601 S. MoPac Expy., Suite 100, Austin, Texas 78746. On information and belief, Defendant may be served through its agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange St., Wilmington, DE 19801.

JURISDICTION AND VENUE

3. This action arises under the patent laws of the United States, 35 U.S.C. § 271 et seq. Plaintiff is seeking damages, as well as attorney fees and costs.

4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331 (Federal Question) and 1338(a) (Patents).

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. Upon information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in the District.

7. Venue is proper in this District under 28 U.S.C. §1400(b) because Defendant is deemed to be a resident in this District. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

BACKGROUND

8. On October 7, 2014, the United States Patent and Trademark Office ("USPTO") duly and legally issued the '221 Patent, entitled "System and Method for Storing Broadcast Content in a Cloud-Based Computing Environment" after the USPTO completed a full and fair examination. The '221 Patent is attached as Exhibit A.

9. Rothschild Broadcast Distribution Systems is currently the owner of the '221 Patent.

10. Rothschild Broadcast Distribution Systems possesses all rights of recovery under the '221 Patent, including the exclusive right to recover for past, present and future infringement.

11. The '221 Patent contains thirteen claims including two independent claims (claims 1 and 7) and eleven dependent claims.

COUNT ONE
(Infringement of United States Patent No. 8,856,221)

12. Plaintiff refers to and incorporates the allegations in Paragraphs 1 - 11, the same as if set forth herein.

13. This cause of action arises under the patent laws of the United States and, in particular under 35 U.S.C. §§ 271, *et seq.*

14. Defendant has knowledge of its infringement of the '221 Patent, at least as of the service of the present complaint.

15. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including at least Claim 7, of the '221 Patent by making, using, importing, selling, and/or offering for media content storage and delivery systems and services covered by one or more claims of the '221 Patent.

16. Accordingly, Defendant has infringed, and continues to infringe, the '221 Patent in violation of 35 U.S.C. § 271.

17. Defendant sells, offers to sell, and/or uses media content storage and delivery systems and services, including, without limitation, the Lifesize Video Conferencing app and platform, and any similar products ("Product"), which infringes at least Claim 7 of the '221 Patent.

18. The Product practices a method of storing (e.g., cloud storage) media content (e.g., videos, audios, chat, texts, etc.) and delivering requested media content to a consumer device. Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

The Lifesize Video Conferencing App

Anytime, anywhere video conferencing app for your personal devices.

Source: <https://www.lifesize.com/en/video-conferencing-app>

Stay connected with the Lifesize app

Our video conferencing solution for PC, Mac, tablet and phone gives you an easy way to start a video chat or join a meeting right from your laptop or personal device. Connect to your calendar to stay on schedule throughout the day, share your screen with industry-leading video quality and record any meeting with a single click through the intuitive UI of the Lifesize App.

Source: <https://www.lifesize.com/en/video-conferencing-app>

LIFESIZE RECORD AND SHARE

- Full HD-recorded content automatically organized into channels
- Configurable permissions, including automatic access for meeting participants
- Recordings Feed, My Recordings, Watch List
- AES-128 encryption data-in-flight and AES-256 data-at-rest
- Downloadable MP4
- Record from any Lifesize app-enabled device
- Playback on any device

Source:

<https://www.lifesize.com/~/media/Documents/Product%20Documentation/Cloud/Product%20Datasheets/LifeSize%20Cloud%20Datasheet%20English%20USL.ashx?la=en>

| Stream and Record any meeting | Meetings encrypted by default |
|--|--|
| Broadcast live events for up to 10,000 concurrent viewers and record any online meeting from any device. | Every Lifesize call and every recording is encrypted by default to the highest standards—security is not optional. |

Source: <https://www.lifesize.com/en/video-conferencing-app>

Live stream your events and record important meetings

Share your important messages with everyone by live streaming events for up to 10,000 live attendees or recording your meetings for viewing on demand. Any virtual meeting can be enabled for live streaming and recording; it is as simple as clicking the record button from any device. Live streams and real-time recordings can be restricted to your account or shared publicly to fit your preferences.

Source: <https://www.lifesize.com/en/video-conferencing-app>

Lifesize Record and Share is the most powerful cloud-based one-click recording, sharing and auto-publishing solution. It lets users capture important meetings, conversations, events, ideas and even important milestones and instantly share them. That's right — your video auto-publishes immediately, and everyone in the conversation will have the recording in their personal video library.

Source:

<https://www.lifesize.com/~/media/Documents/Related%20Resources/Product%20Papers/Lifesize%20Cloud%20Amplify%20One%20Pager.ashx?la=en>

The power of Lifesize Live Stream is greatly enhanced with Lifesize Record and Share so you can easily record and share your live stream events on-demand and build a personal video library. The possibilities are truly endless.

Source:

https://www.lifesize.com/~/media/Documents/Product%20Documentation/Live%20Stream/SS_LiveStream_US_0117.ashx?la=en

19. The Product necessarily includes a receiver configured to receive a request message including data indicating requested media content (e.g., the Product must have infrastructure to receive a request to store recorded media content or to stream recorded media content on a smartphone; additionally, the request message must contain data that identifies the content to be stored or streamed) and a consumer device identifier corresponding to a consumer device (e.g., the user credentials are used to access the contents of the Product). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

Lifesize Record and Share is the most powerful cloud-based one-click recording, sharing and auto-publishing solution. It lets users capture important meetings, conversations, events, ideas and even important milestones and instantly share them. That's right — your video auto-publishes immediately, and everyone in the conversation will have the recording in their personal video library.

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<https://www.lifesize.com/~/media/Documents/Related%20Resources/Product%20Papers/Lifesize%20Cloud%20Amplify%20One%20Pager.ashx?la=en>

The power of Lifesize Live Stream is greatly enhanced with Lifesize Record and Share so you can easily record and share your live stream events on-demand and build a personal video library. The possibilities are truly endless.

Source:

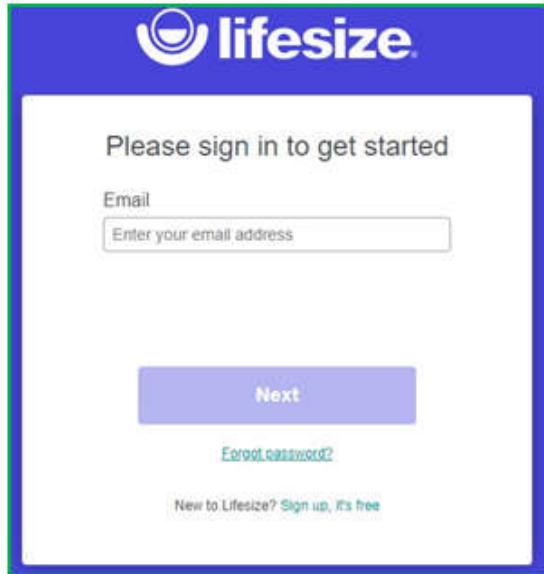
https://www.lifesize.com/~/media/Documents/Product%20Documentation/Live%20Stream/SS_LiveStream_US_0117.ashx?la=en

LIFESIZE RECORD AND SHARE

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- Downloadable MP4
- Record from any Lifesize app-enabled device
- Playback on any device

Source:

<https://www.lifesize.com/~/media/Documents/Product%20Documentation/Cloud/Product%20Datasheets/LifeSize%20Cloud%20Datasheet%20English%20USL.ashx?la=en>



Source: <https://login.lifesizecloud.com/lsc/login/>

Starting from the Call Screen

Upon launch, first-time users and users who previously signed out of the mobile app will be presented with the call screen when they sign in. Here you can see a live video preview and choose to:

Source: <https://www.lifesize.com/en/app-help/user/mobile>

20. The Product necessarily determines whether the consumer device identifier corresponds to the registered consumer device (e.g., a user must be a registered user to access the Product's services). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

21. The Product provides for both media downloads and/or storage, and media streaming. After a successful login, the Product necessarily determines whether the request received from a customer is a request for storage (e.g., recording or storing content) or content (e.g., streaming of media content). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

Stay connected with the Lifesize app

Our video conferencing solution for PC, Mac, tablet and phone gives you an easy way to start a video chat or join a meeting right from your laptop or personal device. Connect to your calendar to stay on schedule throughout the day, share your screen with industry-leading video quality and record any meeting with a single click through the intuitive UI of the Lifesize App.

Source: <https://www.lifesize.com/en/video-conferencing-app>

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- AES-128 encryption data-in-flight and AES-256 data-at-rest
- Downloadable MP4
- Record from any Lifesize app-enabled device
- Playback on any device

Source:

<https://www.lifesize.com/~media/Documents/Product%20Documentation/Cloud/Product%20Datasheets/Life size%20Cloud%20Datasheet%20English%20USL.ashx?la=en>

Stream and Record any meeting

Broadcast live events for up to 10,000 concurrent viewers and record any online meeting from any device.

Meetings encrypted by default

Every Lifesize call and every recording is encrypted by default to the highest standards—security is not optional.

Source: <https://www.lifesize.com/en/video-conferencing-app>

Lifesize Record and Share is the most powerful cloud-based one-click recording, sharing and auto-publishing solution. It lets users capture important meetings, conversations, events, ideas and even important milestones and instantly share them. That's right — your video auto-publishes immediately, and everyone in the conversation will have the recording in their personal video library.

Source: <https://www.lifesize.com/en/video-conferencing-app>

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Source:

<https://www.lifesize.com/~/media/Documents/Related%20Resources/Product%20Papers/Lifesize%20Cloud%20Amplify%20One%20Pager.ashx?la=en>

The power of Lifesize Live Stream is greatly enhanced with Lifesize Record and Share so you can easily record and share your live stream events on-demand and build a personal video library. The possibilities are truly endless.

Source:

https://www.lifesize.com/~/media/Documents/Product%20Documentation/Live%20Stream/SS_LiveStream_US_0117.ashx?la=en

22. The Product verifies that media content identified in the media data of the storage request message (e.g., request to record content) is available for storage in order to prevent data errors that would result from attempting to store content that is not available for storage. The Product must verify that the media content (e.g. specific recording) identified in the media data of the storage request message is available for storage in order to prevent data errors that would result from attempting to store content that is not available for storage (e.g., the product must verify a user's ability to store video is limited to a certain amount of memory usage based upon their subscription; thus media content may not be available for storage if a user is already above their memory limit or if the user has not subscribed to any service). Certain aspects of these elements

are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

| | | | | |
|--------------------|---|---|--|-----------|
| Meeting recordings | — | — | 1 hour per host (upgrade available) | Unlimited |
|--------------------|---|---|--|-----------|

Source: <https://www.lifesize.com/en/video-conferencing-app/pricing>

| Plus Features | Enterprise Features |
|---|-----------------------------------|
| ✓ All Standard features, plus | ✓ All Plus features, plus |
| ✓ Host up to 300 participants | ✓ Live stream 1,000 viewer events |
| ✓ Microsoft integrations | ✓ Unlimited meeting recording |
| ✓ Real-time meeting insights | ✓ Branding and customization |
| ✓ Phone and email support | ✓ Premium support |
| ✓ 1 hour cloud recording storage per host | |

Source: <https://www.lifesize.com/en/video-conferencing-app/pricing>

Stream, record and share your meetings

Turn any Lifesize virtual meeting room into a streamable meeting room capable of broadcasting to up to 10,000 viewers. Meetings can also be recorded with the click of a button and made available instantly to share in a recap or access later from your personal video library in your Lifesize account. Lifesize streaming and recording lets you be in the conversation, no matter where or when it happens.

Source: <https://www.lifesize.com/en/video-conferencing-app/recording-streaming>

Lifesize Record and Share

Just click the Record button to record a call from any device. It's really that simple. Lifesize Record and Share lets you capture important meetings, conversations, events, ideas and even milestones and instantly share them. Your recordings are available as soon as you end the meeting — perfect for sending along with a meeting recap or sharing with teammates who were unable to join the live call. Videos are encrypted during recording and at rest and can be set for internal-only sharing or public viewing outside of your organization.

Source: <https://www.lifesize.com/en/video-conferencing-app/recording-streaming>

Stream and Record any meeting

Broadcast live events for up to 10,000 concurrent viewers and record any online meeting from any device.

Meetings encrypted by default

Every Lifesize call and every recording is encrypted by default to the highest standards—security is not optional.

Source: <https://www.lifesize.com/en/video-conferencing-app>

23. If a customer requests content (e.g., live streaming of media content), then a processor within the Product necessarily initiates delivery of the content to the customer's device. The Product will initiate delivery of the requested media content to the consumer device (e.g., stream media content feed to a smartphone or tablet etc.) if the request message is a content request message (e.g., request for live streaming). Certain aspects of these elements are illustrated in the screen shots below and/or in screen shots provided in connection with other allegations herein.

LIFESIZE RECORD AND SHARE

- Full HD-recorded content automatically organized into channels
- Configurable permissions, including automatic access for meeting participants
- Recordings Feed, My Recordings, Watch List
- AES-128 encryption data-in-flight and AES-256 data-at-rest
- Downloadable MP4
- Record from any Lifesize app-enabled device
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Source:

<https://www.lifesize.com/~media/Documents/Product%20Documentation/Cloud/Product%20Datasheets/Life size%20Cloud%20Datasheet%20English%20USL.ashx?la=en>

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Source:

<https://www.lifesize.com/~/media/Documents/Related%20Resources/Product%20Papers/Lifesize%20Cloud%20Amplify%20One%20Pager.ashx?la=en>

The power of Lifesize Live Stream is greatly enhanced with Lifesize Record and Share so you can easily record and share your live stream events on-demand and build a personal video library. The possibilities are truly endless.

Source:

https://www.lifesize.com/~/media/Documents/Product%20Documentation/Live%20Stream/SS_LiveStream_US_0117.ashx?la=en

24. The media data time data that indicates a length of time to store the requested media content (e.g. a user is allowed to store media content for a retention time period configured by the user as per their subscription level, and the retention time period may vary from (0-365) days, where 0 represents meetings never expire). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

Inactive Meetings: Set the number of days before inactive meetings expire and are automatically deleted.
To help you keep your Lifesize directory organized, we provide a cleanup feature that automatically deletes inactive meetings.
You can set the number of days you want to keep a meeting after its last activity. New accounts have a default of zero days. You can set the number of days up to 365. **NOTE:** If you set the number of days to zero, your meetings never expire.

Source: <https://www.lifesize.com/~media/Documents/Generated/Online-Help/admin-console-a4.ashx>

| Free | Standard | MOST POPULAR | Enterprise |
|--|---|---|---|
| For individuals \$0 250D 1 host/month Unlimited meeting duration Sign up | For small teams \$12.50 250D Host/month Starting at 5 hosts Buy Now | For small and midsize companies \$14.95 250D Host/month Minimum of 10 hosts Buy Now | For large organizations (Pricing varies based on location, hosts, custom features, and services required) Contact sales |
| | | | |

Source: <https://www.lifesize.com/en/video-conferencing-app/pricing>

| Plus Features | Enterprise Features |
|--|---|
| <ul style="list-style-type: none">✓ All Standard features, plus✓ Host up to 300 participants✓ Microsoft integrations✓ Real-time meeting insights✓ Phone and email support✓ 1 hour cloud recording storage per host | <ul style="list-style-type: none">✓ All Plus features, plus✓ Live stream 1,000 viewer events✓ Unlimited meeting recording✓ Branding and customization✓ Premium support |

Source: <https://www.lifesize.com/en/video-conferencing-app/pricing>

25. The server must first determine whether the requested media content exists prior to initiating delivery in order to prevent data errors that would result from attempting to transmit media content that does not exist (e.g. the product must verify that a particular requested data is stored in the cloud). Certain aspects of these elements are illustrated in the screenshots below and/or in those provided in connection with other allegations herein.

26. After the processor determines whether the requested media content is available, it determines whether there are restrictions associated with the requested media content (e.g., subscription level etc.). Certain aspects of these elements are illustrated in the screenshots provided in connection with other allegations herein.

27. Defendant's actions complained of herein will continue unless Defendant is enjoined by this Court.

28. Defendant's actions complained of herein is causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

29. The '221 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

30. A copy of the '221 Patent, titled "System and Method for Storing Broadcast Content in a Cloud-based Computing Environment," is attached hereto as Exhibit A.

31. By engaging in the conduct described herein, Defendant has injured Plaintiff and is liable for infringement of the '221 Patent, pursuant to 35 U.S.C. § 271.

32. Defendant has committed these acts of literal infringement, or infringement under the doctrine of equivalents of the '221 Patent, without license or authorization.

33. As a result of Defendant's infringement of the '221 Patent, injured Plaintiff has suffered monetary damages and is entitled to a monetary judgment in an amount adequate to compensate for Defendant's past infringement, together with interests and costs.

34. Plaintiff is in compliance with 35 U.S.C. § 287.

35. As such, Plaintiff is entitled to compensation for any continuing and/or future infringement of the '221 Patent up until the date that Defendant ceases its infringing activities.

DEMAND FOR JURY TRIAL

36. Rothschild Broadcast Distribution Systems, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks the Court to:

(a) Enter judgment for Plaintiff on this Complaint on all cases of action asserted herein;

- (b) Enter an Order enjoining Defendant, its agents, officers, servants, employees, attorneys, and all persons in active concert or participation with Defendant who receives notice of the order from further infringement of United States Patent No. 8,856,221 (or, in the alternative, awarding Plaintiff running royalty from the time judgment going forward);
- (c) Award Plaintiff damages resulting from Defendants infringement in accordance with 35 U.S.C. § 284;
- (d) Award Plaintiff such further relief to which the Court finds Plaintiff entitled under law or equity.

Dated: October 2, 2020

Respectfully submitted,

/s/ Jay Johnson
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